

## Alcohol and Tobacco Tax and Trade Bureau, Treasury

**§ 41.40**

Product	Tax rate per thousand for removals during the following periods:	
	2002 to March 31, 2009	April 1, 2009 and after
Small cigarettes .....	\$19.50 .....	\$50.33
Large cigarettes up to 6½" long.	\$40.95 .....	\$105.69
Large cigarettes over 6½" long.	Taxed at the rate for small cigarettes, counting each 2¾ or fraction thereof of the length of each as one cigarette.	

[T.D. TTB-75, 74 FR 14484, Mar. 31, 2009]

### § 41.33 Smokeless tobacco tax rates.

Smokeless tobacco products are taxed at the following rates under 26 U.S.C. 5701(e):

Product	Tax rate per pound* for removals during the following periods:	
	2002 to March 31, 2009	April 1, 2009 and after
Snuff .....	\$0.585 .....	\$1.51
Chewing tobacco .....	\$0.195 .....	\$0.5033

\* Prorate tax for fractions of a pound.

[T.D. TTB-75, 74 FR 14484, Mar. 31, 2009]

### § 41.34 Cigarette papers.

Cigarette papers are taxed at the following rates under 26 U.S.C. 5701(c):

Product	Tax rate for each 50 papers* for removals during the following periods:	
	2002 to March 31, 2009	April 1, 2009 and after
Cigarette papers up to 6½ long.	\$0.0122 .....	\$0.0315
Cigarette papers over 6½" long.	Use rates above, but count each 2¾" or fraction thereof of the length of each as one cigarette paper.	

\* Tax rate for less than 50 papers is the same. The tax is not prorated.

[T.D. TTB-75, 74 FR 14484, Mar. 31, 2009]

### § 41.35 Cigarette tubes.

Cigarette tubes are taxed at the following rates under 26 U.S.C. 5701(d):

Product	Tax rate for each 50 tubes* for removals during the following periods:	
	2002 to March 31, 2009	April 1, 2009 and after
Cigarette tubes up to 6½ long.	\$0.0244 .....	\$ 0.0630

Product	Tax rate for each 50 tubes* for removals during the following periods:	
	2002 to March 31, 2009	April 1, 2009 and after
Cigarette tubes over 6½ long.	Use rates above, but count each 2¾ or fraction thereof of the length of each as one cigarette tube.	

\* Tax rate for less than 50 tubes is the same. The tax is not prorated.

[T.D. TTB-75, 74 FR 14484, Mar. 31, 2009, as amended by T.D. TTB-85, 75 FR 42607, July 22, 2010]

## CLASSIFICATION OF LARGE CIGARS AND CIGARETTES

### § 41.37 [Reserved]

### § 41.38 Cigarettes.

For internal revenue tax purposes, small cigarettes are designated Class A and large cigarettes are designated Class B.

(72 Stat. 1414; 26 U.S.C. 5701)

[26 FR 8191, Aug. 31, 1961. Redesignated at 40 FR 16835, Apr. 15, 1975]

### § 41.39 Determination of sale price of large cigars.

The tax imposed on large cigars is computed based on the sale price (the price for which the large cigars are sold by the importer or manufacturer). In addition to money, goods or services exchanged for cigars may be considered as part of the sale price. See § 40.22(b) of this chapter for information on determining the sale price in special cases.

[T.D. ATF-420, 64 FR 71944, Dec. 22, 1999; T.D. ATF-422, 64 FR 71948, Dec. 22, 1999; T.D. ATF-422a, 65 FR 15058, Mar. 31, 2000; T.D. ATF-460, 66 FR 39093, July 27, 2001]

## LIABILITY FOR AND PAYMENT OF TAXES

### § 41.40 Persons liable for tax.

The importer of tobacco products or cigarette papers and tubes will be liable for the internal revenue taxes imposed thereon by 26 U.S.C. 5701 or 7652: *Provided*, That tobacco products or cigarette papers or tubes (other than those previously exported and returned) imported or brought into the United States, may be released from customs custody without payment of tax, for delivery to the proprietor of an